United Nations A/65/L.20

General Assembly

Distr.: Limited
19 November 2010

Original: English

Sixty-fifth session
Agenda item 74 (a)
Oceans and the law of the sea

Australia, Austria, Belgium, Brazil, Canada, Denmark, Finland, Greece, Guatemala, Iceland, India, Italy, Japan, Lithuania, Madagascar, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Slovenia, Spain, Sweden, Tuvalu and United Kingdom of Great Britain and Northern Ireland: draft resolution

Oceans and the law of the sea

The General Assembly,

Recalling its annual resolutions on the law of the sea and on oceans and the law of the sea, including resolution 64/71 of 4 December 2009, and other relevant resolutions concerning the United Nations Convention on the Law of the Sea ("the Convention"),[1]

Having considered the report of the Secretary-General,[2] the recommendations of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction ("the Ad Hoc Open-ended Informal Working Group")[3] and the reports on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea ("the Consultative Process") at its eleventh meeting,[4] on the twentieth Meeting of States Parties to the Convention,[5] and on the work of the Ad Hoc Working Group of the Whole on the Regular Process for global reporting and assessment of the state of the marine environment, including socio-economic aspects ("the Regular Process"),[6]

Emphasizing the pre-eminent contribution provided by the Convention to the strengthening of peace, security, cooperation and friendly relations among all nations in conformity with the principles of justice and equal rights and to the promotion of the economic and social advancement of all peoples of the world, in

[1] United Nations, *Treaty Series*, vol. 1833, No. 31363.
[2] A/65/69 and Add.1 and 2.
[3] A/65/68, sect. I.
[4] See A/65/164.
[5] SPLOS/218.
[6] A/65/358.

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accordance with the purposes and principles of the United Nations as set forth in the Charter of the United Nations, as well as to the sustainable development of the oceans and seas,

Emphasizing also the universal and unified character of the Convention, and reaffirming that the Convention sets out the legal framework within which all activities in the oceans and seas must be carried out and is of strategic importance as the basis for national, regional and global action and cooperation in the marine sector, and that its integrity needs to be maintained, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21,[7]

Recognizing the important contribution of sustainable development and management of the resources and uses of the oceans and seas to the achievement of international development goals, including those contained in the United Nations Millennium Declaration,[8]

Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole through an integrated, interdisciplinary and intersectoral approach, and reaffirming the need to improve cooperation and coordination at the national, regional and global levels, in accordance with the Convention, to support and supplement the efforts of each State in promoting the implementation and observance of the Convention, and the integrated management and sustainable development of the oceans and seas,

Reiterating the essential need for cooperation, including through capacity-building and transfer of marine technology, to ensure that all States, especially developing countries, in particular the least developed countries and small island developing States, as well as coastal African States, are able both to implement the Convention and to benefit from the sustainable development of the oceans and seas, as well as to participate fully in global and regional forums and processes dealing with oceans and law of the sea issues,

Emphasizing the need to strengthen the ability of competent international organizations to contribute, at the global, regional, subregional and bilateral levels, through cooperation programmes with Governments, to the development of national capacity in marine science and the sustainable management of the oceans and their resources,

Recalling that marine science is important for eradicating poverty, contributing to food security, conserving the world's marine environment and resources, helping to understand, predict and respond to natural events and promoting the sustainable development of the oceans and seas, by improving knowledge, through sustained research efforts and the evaluation of monitoring results, and applying such knowledge to management and decision-making,

Reiterating its deep concern at the serious adverse impacts on the marine environment and biodiversity, in particular on vulnerable marine ecosystems and their physical and biogenic structure, including coral reefs, cold water habitats, hydrothermal vents and seamounts, of certain human activities,

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[7] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex II.

[8] See resolution 55/2.

Emphasizing the need for the safe and environmentally sound recycling of ships,

Expressing deep concern at the adverse economic, social and environmental impacts of the physical alteration and destruction of marine habitats that may result from land-based and coastal development activities, in particular those land reclamation activities that are carried out in a manner that has a detrimental impact on the marine environment,

Noting the ministerial meeting of the Commission for the Protection of the Marine Environment of the North-East Atlantic, held in Bergen, Norway, from 20 to 24 September 2010,

Reiterating its serious concern at the current and projected adverse effects of climate change on the marine environment and marine biodiversity, and emphasizing the urgency of addressing this issue,

Expressing concern that climate change continues to increase the severity and incidence of coral bleaching throughout tropical seas and weakens the ability of reefs to withstand ocean acidification, which could have serious and irreversible negative effects on marine organisms, particularly corals, as well as to withstand other pressures, including overfishing and pollution,

Reiterating its deep concern at the vulnerability of the environment and the fragile ecosystems of the polar regions, including the Arctic Ocean and the Arctic ice cap, particularly affected by the projected adverse effects of climate change,

Recognizing the need for a more integrated and ecosystem-based approach to, further study of and the promotion of measures for enhanced cooperation, coordination and collaboration relating to, the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction,

Recognizing also that the realization of the benefits of the Convention could be enhanced by international cooperation, technical assistance and advanced scientific knowledge, as well as by funding and capacity-building,

Recognizing further that hydrographic surveys and nautical charting are critical to the safety of navigation and life at sea, environmental protection, including the protection of vulnerable marine ecosystems, and the economics of the global shipping industry, and encouraging further efforts towards electronic charting, which not only provides significantly increased benefits for safe navigation and management of ship movement, but also provides data and information that can be used for sustainable fisheries activities and other sectoral uses of the marine environment, the delimitation of maritime boundaries and environmental protection,

Emphasizing that underwater archaeological, cultural and historical heritage, including shipwrecks and watercrafts, holds essential information on the history of humankind and that such heritage is a resource that needs to be protected and preserved,

Noting with concern the continuing problem of transnational organized crime committed at sea, including illicit traffic in narcotic drugs and psychotropic substances, the smuggling of migrants and trafficking in persons, and threats to maritime safety and security, including piracy, armed robbery at sea, smuggling and

terrorist acts against shipping, offshore installations and other maritime interests, and noting the deplorable loss of life and adverse impact on international trade, energy security and the global economy resulting from such activities,

Recognizing that fibre optic submarine cables transmit most of the world's data and communications and hence are vitally important to the global economy and the national security of all States, conscious that these cables are susceptible to intentional and accidental damage from shipping and other activities, and noting that these matters have been brought to the attention of States at various workshops and seminars, and conscious of the need for States to adopt national laws and regulations to protect submarine cables and render their wilful damage or damage by culpable negligence punishable offences,

Noting the importance of the delineation of the outer limits of the continental shelf beyond 200 nautical miles and that it is in the broader interest of the international community that coastal States with a continental shelf beyond 200 nautical miles submit information on the outer limits of the continental shelf beyond 200 nautical miles to the Commission on the Limits of the Continental Shelf ("the Commission"), and welcoming the submissions to the Commission by a considerable number of States Parties on the outer limits of their continental shelf beyond 200 nautical miles, that the Commission has continued to fulfil its role, including of making recommendations to coastal States, and that the summaries of recommendations are being made publicly available,[9]

Noting also that many coastal States Parties have submitted preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles, as provided for in the decision of the eighteenth Meeting of States Parties to the Convention regarding the workload of the Commission and the ability of States, particularly developing States, to fulfil the requirements of article 4 of annex II to the Convention, as well as the decision contained in SPLOS/72, paragraph (a),[10]

Noting further that some coastal States may continue to face particular challenges in relation to preparing and presenting submissions to the Commission,

Noting that financial and technical assistance may be sought by developing countries for activities in relation to preparing and presenting submissions to the Commission, including through the voluntary trust fund established by resolution 55/7 of 30 October 2000 for the purpose of facilitating the preparation of submissions to the Commission for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the Convention, as well as other accessible international assistance,

Recognizing the importance of the trust funds established by resolution 55/7 in facilitating the participation of members of the Commission from developing States in the meetings of the Commission and in fulfilling the requirements of article 4 of annex II to the Convention, while noting with appreciation the recent contributions made to them,

Reaffirming the importance of the work of the Commission for coastal States and for the international community,

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[9] Available from www.un.org/Depts/los/index.htm.

[10] SPLOS/183.

Recognizing the significant workload of the Commission in view of the large number of submissions already received and a number of submissions yet to be received, which places additional demands and challenges on its members and the secretariat as provided by the Secretary-General of the United Nations through the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat ("the Division"), and taking note of the information contained in the note on issues related to the workload of the Commission prepared by the Secretariat at the request of the nineteenth Meeting of States Parties to the Convention,[11] as well as of the decision of the twentieth Meeting of States Parties regarding the workload of the Commission,[12]

Welcoming the ongoing consideration of the workload of the Commission by the Meeting of States Parties to the Convention,

Noting with concern the projected timetable of the work of the Commission on the submissions already received by it and those yet to be received[13] and, in this regard, the consequences of the duration of the sessions of the Commission and the meetings of its subcommissions,

Recognizing significant inequities and difficulties for States arising out of the projected timetable, including with respect to retaining expertise, when there is a considerable delay between preparation of submissions and their consideration by the Commission,

Recognizing also the need to take action to ensure that the Commission can perform its functions under the Convention expeditiously, efficiently and effectively, and maintain its high level of quality and expertise,

Recalling its decision, in resolutions 57/141 of 12 December 2002 and 58/240 of 23 December 2003, to establish a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socio-economic aspects, both current and foreseeable, building on existing regional assessments, as recommended by the World Summit on Sustainable Development,[14] and noting the need for cooperation among all States to this end,

Recalling also its decision, in resolution 60/30 of 29 November 2005, to launch the start-up phase, the "assessment of assessments", to be completed within two years, as a preparatory stage towards the establishment of the Regular Process,

Recognizing the importance and the contribution of the work of the Consultative Process established by resolution 54/33 of 24 November 1999 to facilitate the annual review of developments in ocean affairs by the General Assembly,

Noting the responsibilities of the Secretary-General under the Convention and related resolutions of the General Assembly, in particular resolutions 49/28 of 6 December 1994, 52/26 of 26 November 1997 and 54/33, and in this context the substantial increase in activities of the Division, in particular in view of the growing number of requests to the Division for additional outputs and servicing of meetings,

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[11] See SPLOS/208.

[12] SPLOS/216.

[13] See SPLOS/203, paras. 81-83.

[14] See *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

its increasing capacity-building activities, the need for enhanced support and assistance to the Commission and the role of the Division in inter-agency coordination and cooperation,

Reaffirming the importance of the work of the International Seabed Authority ("the Authority") in accordance with the Convention and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Part XI Agreement"),[15]

Reaffirming also the importance of the work of the International Tribunal for the Law of the Sea ("the Tribunal") in accordance with the Convention,

Recognizing, on the occasion of its fiftieth anniversary, the important role of the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization,

I
Implementation of the Convention and related agreements and instruments

1. *Reaffirms* its annual resolutions on the law of the sea and on oceans and the law of the sea, including resolution 64/71, and other relevant resolutions concerning the Convention;[1]

2. *Also reaffirms* the unified character of the Convention and the vital importance of preserving its integrity;

3. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention and the Part XI Agreement;[15]

4. *Calls upon* States that have not done so, in order to achieve the goal of universal participation, to become parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ("the Fish Stocks Agreement");[16]

5. *Calls upon* States to harmonize their national legislation with the provisions of the Convention and, where applicable, relevant agreements and instruments, to ensure the consistent application of those provisions and to ensure also that any declarations or statements that they have made or make when signing, ratifying or acceding to the Convention do not purport to exclude or to modify the legal effect of the provisions of the Convention in their application to the State concerned and to withdraw any such declarations or statements;

6. *Calls upon* States Parties to the Convention that have not yet done so to deposit with the Secretary-General charts or lists of geographical coordinates, as provided for in the Convention;

7. *Urges* all States to cooperate, directly or through competent international bodies, in taking measures to protect and preserve objects of an archaeological and historical nature found at sea, in conformity with the Convention, and calls upon States to work together on such diverse challenges and opportunities as the

[15] United Nations, *Treaty Series*, vol. 1836, No. 31364.
[16] Ibid., vol. 2167, No. 37924.

appropriate relationship between salvage law and scientific management and conservation of underwater cultural heritage, increasing technological abilities to discover and reach underwater sites, looting and growing underwater tourism;

8. *Notes* the recent deposit of instruments of ratification and acceptance of the 2001 Convention on the Protection of the Underwater Cultural Heritage,[17] and notes in particular the rules annexed thereto, which address the relationship between salvage law and scientific principles of management, conservation and protection of underwater cultural heritage among Parties, their nationals and vessels flying their flag;

II
Capacity-building

9. *Emphasizes* that capacity-building is essential to ensure that States, especially developing countries, in particular the least developed countries and small island developing States, as well as coastal African States, are able to fully implement the Convention, benefit from the sustainable development of the oceans and seas and participate fully in global and regional forums on ocean affairs and the law of the sea;

10. *Emphasizes also* the need for international cooperation for capacity-building, including cross-sectoral cooperation, at national, regional and global levels, to address, in particular, gaps in capacity-building in ocean affairs and the law of the sea, including marine science;

11. *Calls* for capacity-building initiatives to take into account the needs of developing countries, and calls upon States, international organizations and donor agencies to make efforts to ensure the sustainability of such initiatives;

12. *Calls upon* donor agencies and international financial institutions to keep their programmes systematically under review to ensure the availability in all States, particularly in developing States, of the economic, legal, navigational, scientific and technical skills necessary for the full implementation of the Convention and the objectives of the present resolution, as well as the sustainable development of the oceans and seas nationally, regionally and globally, and in so doing to bear in mind the interests and needs of landlocked developing States;

13. *Encourages* intensified efforts to build capacity for developing countries, in particular for the least developed countries and small island developing States, as well as coastal African States, to improve hydrographic services and the production of nautical charts, including electronic charts, as well as the mobilization of resources and building of capacity with support from international financial institutions and the donor community;

14. *Calls upon* States and international financial institutions, including through bilateral, regional and global cooperation programmes and technical partnerships, to continue to strengthen capacity-building activities, in particular in developing countries, in the field of marine scientific research by, inter alia, training

[17] See United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-first Session, Paris, 15 October-3 November 2001*, vol. 1 and corrigendum: *Resolutions*, resolution 24.

personnel to develop and enhance relevant expertise, providing the necessary equipment, facilities and vessels and transferring environmentally sound technologies;

15. *Also calls upon* States and international financial institutions, including through bilateral, regional and global cooperation programmes and technical partnerships, to strengthen capacity-building activities in developing countries, in particular least developed countries and small island developing States, to develop their maritime administration and appropriate legal frameworks to establish or enhance the necessary infrastructure, legislative and enforcement capabilities to promote effective compliance with, and implementation and enforcement of, their responsibilities under international law;

16. *Emphasizes* the need to focus on strengthening South-South cooperation as an additional way to build capacity and as a cooperative mechanism to further enable countries to set their own priorities and needs;

17. *Recognizes* the importance of the work of the International Maritime Law Institute of the International Maritime Organization as a centre of education and training of Government legal advisers, mainly from developing States, confirms its effective capacity-building role in the field of international law, and urges States, intergovernmental organizations and financial institutions to make voluntary financial contributions to the budget of the Institute;

18. *Also recognizes* the importance of the World Maritime University of the International Maritime Organization as a centre for maritime education and research, confirms its effective capacity-building role in the field of maritime transportation, policy, administration, management, safety, security and environmental protection, as well as its role in the international exchange and transfer of knowledge, and urges States, intergovernmental organizations and other bodies to make voluntary financial contributions to the University;

19. *Welcomes* ongoing activities for capacity-building so as to address maritime security and safety needs and the protection of the marine environment of developing States, and encourages States and international financial institutions to provide additional funding for capacity-building programmes, including for transfer of technology, including through the International Maritime Organization and other competent international organizations;

20. *Recognizes* the considerable need to provide sustained capacity-building assistance, including on financial and technical aspects, by relevant international organizations and donors to developing States, with a view to further strengthening their capacity to take effective measures against the multiple facets of international criminal activities at sea, in line with the relevant international instruments, including the United Nations Convention against Transnational Organized Crime and the Protocols thereto;[18]

21. *Also recognizes* the need to build the capacity of developing States to raise awareness of, and support the implementation of, improved waste management practices, noting the particular vulnerability of small island developing States to the impact of marine pollution from land-based sources and marine debris;

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[18] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

22. *Further recognizes* the importance of assisting developing States, in particular the least developed countries and small island developing States, as well as coastal African States, in implementing the Convention, and urges States, intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions, as well as natural and juridical persons, to make voluntary financial or other contributions to the trust funds, as referred to in resolution 57/141, established for this purpose;

23. *Acknowledges* the importance of capacity-building for developing States, in particular the least developed countries and small island developing States, as well as coastal African States, for the protection of the marine environment and the conservation and sustainable use of marine resources;

24. *Recognizes* that promoting the voluntary transfer of technology is an essential aspect of building capacity in marine science;

25. *Encourages* States to use the Criteria and Guidelines on the Transfer of Marine Technology adopted by the Assembly of the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization,[19] and recalls the important role of the secretariat of that Commission in the implementation and promotion of the Criteria and Guidelines;

26. *Notes with satisfaction* the efforts of the Division to compile information on capacity-building initiatives, requests the Secretary-General to regularly update such information provided by States, international organizations and donor agencies and include it in his annual report to the General Assembly, invites States, international organizations and donor agencies to submit such information to the Secretary-General for this purpose, and requests the Division to post the information on capacity-building initiatives from the Secretary-General's annual report on the website of the Division in an easily accessible manner so as to facilitate the matching of capacity-building needs with opportunities;

27. *Calls upon* States to continue to assist developing States, and especially the least developed countries and small island developing States, as well as coastal African States, at the bilateral and, where appropriate, multilateral levels, in the preparation of submissions to the Commission regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles, including the assessment of the nature and extent of the continental shelf of a coastal State, and recalls that coastal States can make requests to the Commission for scientific and technical advice in the preparation of data for their submissions, in accordance with article 3 of annex II to the Convention;

28. *Calls upon* the Division to continue to disseminate information on relevant procedures related to the trust fund established for the purpose of facilitating the preparation of submissions to the Commission and to continue its dialogue with potential beneficiaries with a view to providing financial support to developing countries for activities to facilitate their submissions in accordance with the requirements of article 76 of the Convention and with the rules of procedure[20] and the Scientific and Technical Guidelines of the Commission;[21]

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[19] See Intergovernmental Oceanographic Commission, document IOC/INF-1203.

[20] CLCS/40/Rev.1.

[21] CLCS/11 and Corr.1 and Add.1 and Add.1/Corr.1.

29. *Requests* the Secretary-General, in cooperation with States and relevant international organizations and institutions, to continue to support training and other activities to assist developing States in the preparation and presentation of their submissions to the Commission;

30. *Notes with appreciation* the regional workshop of the Tribunal, held in Nadi, Fiji, from 17 to 18 August 2010, on the role of the Tribunal in the settlement of disputes relating to the law of the sea;

31. *Invites* Member States and others in a position to do so to support the capacity-building activities of the Division, including, in particular, the training and other activities to assist developing States in the preparation of their submissions to the Commission, and invites Member States and others in a position to do so to contribute to the trust fund established by the Secretary-General for the Office of Legal Affairs to support the promotion of international law;

32. *Recognizes with appreciation* the important contribution of the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea to the capacity-building of developing countries and the promotion of the law of the sea, notes that the twenty-third award was only made possible in 2010 thanks to the generous contribution, on an exceptional basis, by the Legal Counsel from the Voluntary Trust Fund for the Office of Legal Affairs to Support the Promotion of International Law, reiterates therefore its serious concern regarding the continued lack of resources, appeals urgently to Member States and others in a position to do so to contribute generously to the further development of the Fellowship to ensure that it is awarded every year, and takes due note of the inclusion by the Secretary-General of the Fellowship on the list of trust funds for the United Nations Pledging Conference for Development Activities;

33. *Also recognizes with appreciation* the important contribution that the United Nations-Nippon Foundation of Japan Fellowship Programme, which, relying on its network of host institutions, has awarded sixty fellowships to individuals from forty-seven Member States since 2005, and held in May 2010 a second regional alumni meeting, has made to human resources development for developing Member States in the field of ocean affairs and the law of the sea and related disciplines and the promotion of holistic and cross-sectoral approaches, emphasizing the integration of physical and social sciences and promoting interlinkages among alumni and between their organizations;

34. *Recognizes with appreciation* the funding recently set aside by the Global Environment Facility for projects relating to oceans and marine biodiversity;

III
Meeting of States Parties

35. *Welcomes* the report of the twentieth Meeting of States Parties to the Convention;[5]

36. *Requests* the Secretary-General to convene the twenty-first Meeting of States Parties to the Convention in New York from 13 to 17 June 2011, and to provide the services required;

IV
Peaceful settlement of disputes

37. *Notes with satisfaction* the continued and significant contribution of the Tribunal to the settlement of disputes by peaceful means in accordance with Part XV of the Convention, and underlines the important role and authority of the Tribunal concerning the interpretation or application of the Convention and the Part XI Agreement;

38. *Pays tribute* to the important and long-standing role of the International Court of Justice with regard to the peaceful settlement of disputes concerning the law of the sea;

39. *Notes* that States Parties to an international agreement related to the purposes of the Convention may submit to, inter alia, the Tribunal or the International Court of Justice any dispute concerning the interpretation or application of that agreement submitted in accordance with that agreement, and notes also the possibility, provided for in the statutes of the Tribunal and the Court, to submit disputes to a chamber;

40. *Encourages* States Parties to the Convention that have not yet done so to consider making a written declaration choosing from the means set out in article 287 of the Convention for the settlement of disputes concerning the interpretation or application of the Convention and the Part XI Agreement, bearing in mind the comprehensive character of the dispute settlement mechanism provided for in Part XV of the Convention;

41. *Notes* the recent referral to the Tribunal of a case concerning the delimitation of a maritime boundary;

V
The Area

42. *Welcomes* the adoption at the sixteenth session of the Authority of the regulations for prospecting and exploration for polymetallic sulphides, encourages progress on the finalization of the regulations for prospecting and exploration for cobalt-rich ferromanganese crusts in the Area, and reiterates the importance of the ongoing elaboration by the Authority, pursuant to article 145 of the Convention, of rules, regulations and procedures to ensure the effective protection of the marine environment, for, inter alia, the protection and conservation of the natural resources of the Area, and for the prevention of damage to the flora and fauna of the marine environment from harmful effects that may arise from activities in the Area;

43. *Acknowledges* the decision of the Council of the Authority to request an advisory opinion pursuant to article 191 of the Convention on the responsibilities and obligations of States with respect to sponsorship of activities in the Area, and acknowledges the considerable participation in the written and oral proceedings before the Seabed Dispute Chamber of the Tribunal regarding the advisory opinion;

44. *Notes* the importance of the responsibilities entrusted to the Authority by articles 143 and 145 of the Convention, which refer to marine scientific research and protection of the marine environment, respectively;

VI
Effective functioning of the Authority and the Tribunal

45. *Appeals* to all States Parties to the Convention to pay their assessed contributions to the Authority and to the Tribunal in full and on time, and also appeals to States Parties in arrears with their contributions to fulfil their obligations without delay;

46. *Urges* all States Parties to the Convention to attend the sessions of the Authority, and calls upon the Authority to continue to pursue all options, including making concrete recommendations on the issue of dates, in order to improve attendance in Kingston and to ensure global participation;

47. *Calls upon* States that have not done so to consider ratifying or acceding to the Agreement on the Privileges and Immunities of the Tribunal[22] and to the Protocol on the Privileges and Immunities of the Authority;[23]

48. *Emphasizes* the importance of the Tribunal's rules and staff regulations in promoting the recruitment of a geographically representative staff in the Professional and higher categories, and welcomes the actions taken by the Tribunal in observance of those rules and regulations;

VII
The continental shelf and the work of the Commission

49. *Recalls* that, in accordance with article 76, paragraph 8, of the Convention, information on the limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured shall be submitted by the coastal State to the Commission set up under annex II to the Convention on the basis of equitable geographical representation, that the Commission shall make recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelf, and that the limits of the shelf established by a coastal State on the basis of these recommendations shall be final and binding;

50. *Also recalls* that, in accordance with article 77, paragraph 3, of the Convention, the rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation;

51. *Notes with satisfaction* that a considerable number of States Parties to the Convention have submitted information to the Commission regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles, in conformity with article 76 of the Convention and article 4 of annex II to the Convention, taking into account the decision of the eleventh Meeting of States Parties to the Convention contained in SPLOS/72, paragraph (a);

52. *Also notes with satisfaction* that a considerable number of States Parties to the Convention have submitted to the Secretary-General, pursuant to the decision of the eighteenth Meeting of States Parties to the Convention,[24] preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles and a description of the status of preparation and intended date of

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[22] United Nations, *Treaty Series*, vol. 2167, No. 37925.

[23] Ibid., vol. 2214, No. 39357.

[24] SPLOS/183, para. 1 (a).

submission in accordance with the requirements of article 76 of the Convention and with the rules of procedure and the Scientific and Technical Guidelines of the Commission;

53. *Further notes* with satisfaction the progress in the work of the Commission[25] and that it is giving current consideration to a number of submissions that have been made regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles;

54. *Notes with satisfaction* that the Commission, taking into account the decision of the eighteenth Meeting of States Parties to the Convention,[26] has compiled lists of websites of organizations, data/information portals and data holders where general information and publicly available scientific and technical data can be accessed that may be relevant to the preparation of submissions, and has made this information available on its website;[27]

55. *Takes note* of the recommendations made by the Commission on the submissions of a number of coastal States, and welcomes the fact that summaries of recommendations are being made publicly available;[9]

56. *Notes* that the consideration by the Commission of submissions by coastal States in accordance with article 76 of and annex II to the Convention is without prejudice to the application of other parts of the Convention by States Parties;

57. *Notes with concern* that the heavy workload of the Commission, owing to the considerable number of submissions, places additional demands on and challenges before its members and the secretariat as provided by the Division, and in that regard emphasizes the need to ensure that the Commission can perform its functions expeditiously, efficiently and effectively and maintain its high level of quality and expertise;

58. *Takes note with satisfaction* of the decision of the twentieth Meeting of States Parties to the Convention regarding the workload of the Commission,[12] which requests the Commission to consider adopting measures as appropriate on an urgent and priority basis, as contained in paragraph 1 of the decision;

59. *Welcomes* the decision of the Meeting of States Parties to continue to consider the issue of the workload of the Commission, including through its Informal Working Group facilitated by the Bureau of the Meeting of States Parties, in particular to assess further measures that may be necessary, including, inter alia, the possibility of a full-time Commission, and for the Informal Working Group to make recommendations to the twenty-first Meeting of States Parties in 2011;

60. *Welcomes also* the decision of the meeting of States Parties to make an assessment in 2011 of the progress achieved, with a view to considering what measures beyond 2012 may be required to help to reduce the projected timeline in the workload of the Commission;

61. *Reiterates* the duty of States under the Convention, whose experts are serving on the Commission, to defray the expenses of the experts they have

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[25] See CLCS/66 and CLCS/68.

[26] SPLOS/183, para. 3.

[27] www.un.org/depts/los/clcs_new/clcs_home.htm.

nominated while in performance of Commission duties, and urges these States to do their utmost to ensure the full participation of those experts in the work of the Commission, including the meetings of subcommissions, in accordance with the Convention;

62. *Requests* the Secretary-General to continue to take appropriate measures, within overall existing resource levels, to further strengthen the capacity of the Division, serving as the secretariat of the Commission, in order to ensure enhanced support and assistance to the Commission and its subcommissions in their consideration of submissions, as required by paragraph 9 of annex III to the rules of procedure of the Commission, in particular its human resources taking into account the need for simultaneous work on several submissions;

63. *Urges* the Secretary-General to continue to provide all necessary secretariat services to the Commission in accordance with article 2, paragraph 5, of annex II to the Convention;

64. *Encourages* States to participate actively in and contribute constructively to the ongoing work of the Informal Working Group considering the issues related to the workload of the Commission;

65. *Requests* the Secretary-General to provide, at the request of the Coordinator of the Informal Working Group, information on the standard costs as well as financial and other implications of all options or proposals under consideration in the Informal Working Group;

66. *Expresses* its appreciation to States that have made contributions to the voluntary trust fund established by resolution 55/7 for the purpose of facilitating the preparation of submissions to the Commission and to the voluntary trust fund also established by that resolution for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission, and encourages States to make additional contributions to these funds;

67. *Approves* the convening by the Secretary-General of the twenty-seventh and twenty-eighth sessions of the Commission, in New York from 7 March to 21 April 2011 and from 1 August to 2 September 2011, respectively, with full conference services for the plenary parts of these sessions,[28] and requests the Secretary-General to make every effort to meet these requirements within overall existing resources, on the understanding that the following periods will be used for the technical examinations of submissions at the Geographic Information System laboratories and other technical facilities of the Division: 7 to 25 March 2011; 11 to 21 April 2011; 1 to 12 August 2011; and 29 August to 2 September 2011;

68. *Expresses its firm conviction* about the importance of the work of the Commission, carried out in accordance with the Convention, including with respect to the participation of coastal States in relevant proceedings concerning their submissions, and recognizes the continued need for active interaction between coastal States and the Commission;

69. *Expresses* its appreciation to States that have exchanged views in order to increase understanding of issues, including expenditures involved, arising from the application of article 76 of the Convention, thus facilitating the preparation of

[28] From 28 March to 8 April 2011 and from 15 to 26 August 2011.

submissions by States, in particular developing States, to the Commission, and encourages States to continue exchanging views;

70. *Notes* the number of submissions yet to be considered by the Commission, and in this regard stresses the urgent need for States Parties to the Convention to take appropriate and prompt steps that will allow the Commission to consider the increased number of submissions in a timely, efficient and effective manner;

71. *Requests* the Secretary-General, in cooperation with Member States, to continue supporting workshops or symposiums on scientific and technical aspects of the establishment of the outer limits of the continental shelf beyond 200 nautical miles, taking into account the need to strengthen capacity-building for developing countries in preparing their submissions;

VIII
Maritime safety and security and flag State implementation

72. *Encourages* States to ratify or accede to international agreements addressing the safety and security of navigation, as well as maritime labour, and to adopt the necessary measures consistent with the Convention and other relevant international instruments aimed at implementing and enforcing the rules contained in those agreements, and emphasizes the need for capacity-building for and assistance to developing States;

73. *Recognizes* that the legal regimes governing maritime safety and maritime security may have common and mutually reinforcing objectives that may be interrelated and could benefit from synergies, and encourages States to take this into account in their implementation;

74. *Emphasizes* the need for further efforts to promote a culture of safety and security in the shipping industry and to address the shortage of adequately trained personnel, and urges the establishment of more centres to provide the required education and training;

75. *Emphasizes also* that safety and security measures should be implemented with minimal negative effects on seafarers and fishers, especially in relation to their working conditions;

76. *Notes* that a conference of the parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978,[29] held in Manila from 21 to 25 June 2010, amended that Convention, and designated 25 June as the Day of the Seafarer;

77. *Invites* States that have not yet done so to ratify or accede to the Maritime Labour Convention, 2006, the Work in Fishing Convention, 2007 (No. 188) and the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) of the International Labour Organization and to effectively implement those Conventions, and emphasizes the need to provide to States, at their request, technical cooperation and assistance in that regard;

78. *Welcomes* ongoing cooperation between the Food and Agriculture Organization of the United Nations, the International Maritime Organization and the

[29] United Nations, *Treaty Series*, vol. 1361, No. 23001.

International Labour Organization relating to the safety of fishers and fishing vessels, underlines the urgent need for continued work in that area, and takes note of the decision to develop guidelines on best practices for safety at sea taken at the 2009 meeting of the Committee on Fisheries of the Food and Agriculture Organization of the United Nations;

79. *Encourages* continued cooperation between the parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal[30] and the International Maritime Organization on regulations on the prevention of pollution from ships;

80. *Notes* the adoption by the International Conference on the Revision of the Hazardous and Noxious Substances Convention, held in London from 26 to 30 April 2010, of the Protocol to the 1996 International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, and encourages States to consider becoming parties to the Protocol;

81. *Recalls* that all actions taken to combat threats to maritime security must be in accordance with international law, including the principles embodied in the Charter and the Convention;

82. *Recognizes* the crucial role of international cooperation at the global, regional, subregional and bilateral levels in combating, in accordance with international law, threats to maritime security, including piracy, armed robbery at sea, terrorist acts against shipping, offshore installations and other maritime interests, through bilateral and multilateral instruments and mechanisms aimed at monitoring, preventing and responding to such threats, the enhanced sharing of information among States relevant to the detection, prevention and suppression of such threats, and the prosecution of offenders with due regard to national legislation, and the need for sustained capacity-building to support such objectives;

83. *Notes* that piracy affects the entire range of vessels engaged in maritime activities;

84. *Emphasizes* the importance of promptly reporting incidents to enable accurate information on the scope of the problem of piracy and armed robbery against ships and, in the case of armed robbery against ships, by affected vessels to the coastal State, underlines the importance of effective information-sharing with States potentially affected by incidents of piracy and armed robbery against ships, and takes note of the important role of the International Maritime Organization;

85. *Urges* all States, in cooperation with the International Maritime Organization, to actively combat piracy and armed robbery at sea by adopting measures, including those relating to assistance with capacity-building through training of seafarers, port staff and enforcement personnel in the prevention, reporting and investigation of incidents, bringing the alleged perpetrators to justice, in accordance with international law, and by adopting national legislation, as well as providing enforcement vessels and equipment and guarding against fraudulent ship registration;

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[30] Ibid., vol. 1673, No. 28911.

86. *Encourages* States to ensure effective implementation of international law applicable to combating piracy, as reflected in the Convention, and calls upon States to take appropriate steps under their national law to facilitate the apprehension and prosecution of those who are alleged to have committed acts of piracy, also taking into account other relevant instruments that are consistent with the Convention;

87. *Invites* all States, the International Maritime Organization and the International Labour Organization to consider possible solutions for the seafarers and fishers who are victims of pirates;

88. *Takes note* of the ongoing cooperation between the International Maritime Organization, the United Nations Office on Drugs and Crime and the Division with respect to the compilation of national legislation on piracy, and notes that copies of national legislation received by the Secretariat have been placed on the website of the Division;

89. *Encourages* continued national, bilateral and trilateral initiatives as well as regional cooperative mechanisms to address piracy and armed robbery at sea in the Asian region, and calls upon other States to give immediate attention to adopting, concluding and implementing cooperation agreements at the regional level on combating piracy and armed robbery against ships;

90. *Reiterates its serious concern* regarding continued incidents of piracy and armed robbery at sea off the coast of Somalia, expresses alarm in particular at the hijacking of vessels, supports the recent efforts to address this problem at the global and regional levels, notes the adoption by the Security Council of resolutions 1816 (2008) of 2 June 2008, 1838 (2008) of 7 October 2008, 1846 (2008) of 2 December 2008, 1851 (2008) of 16 December 2008, 1897 (2009) of 30 November 2009 and 1918 (2010) of 27 April 2010, as well as the presidential statement of the Security Council of 25 August 2010,[31] and also notes that the authorization in resolution 1816 (2008) and the provisions in resolutions 1838 (2008), 1846 (2008), 1851 (2008) and 1897 (2009) apply only to the situation in Somalia and do not affect the rights, obligations or responsibilities of Member States under international law, including any rights or obligations under the Convention, with respect to any other situation, and underscores, in particular, the fact that they are not to be considered as establishing customary international law;

91. *Notes with appreciation* the report of the Secretary-General of 26 July 2010,[32] prepared pursuant to the request of the Security Council in resolution 1918 (2010);

92. *Notes* the continued efforts within the Contact Group on Piracy off the Coast of Somalia, following the adoption of Security Council resolution 1851 (2008), and commends contributions of all States in the efforts to fight piracy off the coast of Somalia;

93. *Recognizes* the primary role of the Transitional Federal Government of Somalia in combating piracy and armed robbery against ships, acknowledges the importance of a comprehensive and sustainable settlement of the situation in Somalia, and emphasizes the need to address the root causes of piracy and to assist

[31] S/PRST/2010/16.

[32] S/2010/394.

Somalia and States in the region in strengthening institutional capacity to fight piracy and armed robbery against ships off the coast of Somalia, and to bring to justice those involved in such acts;

94. *Notes* the approval by the International Maritime Organization of revised recommendations to Governments for preventing and suppressing piracy and armed robbery against ships,[33] revised guidance to shipowners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships[34] and the Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships;[35]

95. *Invites* the Assembly of the International Maritime Organization to consider adopting a resolution on commitments to best management practices to avoid, deter or delay acts of piracy;

96. *Recalls* the adoption on 29 January 2009 of the Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden (Djibouti Code of Conduct)[36] under the auspices of the International Maritime Organization, the establishment of the International Maritime Organization Djibouti Code Trust Fund, a multi-donor trust fund initiated by Japan, and the ongoing activities for the implementation of the Code of Conduct;

97. *Urges* States to ensure the full implementation of resolution A.1026(26) of the International Maritime Organization on acts of piracy and armed robbery against ships in waters off the coast of Somalia;

98. *Calls upon* States that have not yet done so to become parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf,[37] notes the entry into force on 28 July 2010 of the 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and of the 2005 Protocol to the 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, invites States to consider becoming parties to those Protocols,[38] and urges States Parties to take appropriate measures to ensure the effective implementation of those instruments through the adoption of legislation, where appropriate;

99. *Calls upon* States to effectively implement the International Ship and Port Facility Security Code and the amendments to the International Convention for the Safety of Life at Sea,[39] and to work with the International Maritime Organization to promote safe and secure shipping while ensuring freedom of navigation;

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[33] See International Maritime Organization, document MSC.1/Circ.1333, annex.

[34] See International Maritime Organization, document MSC.1/Circ.1334, annex.

[35] International Maritime Organization, Assembly resolution A.1025(26).

[36] See International Maritime Organization, document C 102/14, annex, attachment 1.

[37] United Nations, *Treaty Series*, vol. 1678, No. 29004.

[38] International Maritime Organization, documents LEG/CONF.15/21 and 22.

[39] International Maritime Organization, documents SOLAS/CONF.5/32 and 34, as well as resolution MSC.202(81) introducing the long-range identification and tracking of ships system.

100. *Urges* all States, in cooperation with the International Maritime Organization, to improve the protection of offshore installations by adopting measures related to the prevention, reporting and investigation of acts of violence against installations, in accordance with international law, and by implementing such measures through national legislation to ensure proper and adequate enforcement;

101. *Emphasizes* the progress in regional cooperation, including the efforts of littoral States, on the enhancement of safety, security and environmental protection in the Straits of Malacca and Singapore, and the effective functioning of the Cooperative Mechanism on safety of navigation and environmental protection to promote dialogue and facilitate close cooperation between the littoral States, user States, shipping industry and other stakeholders in line with article 43 of the Convention, notes with appreciation the convening of the third Cooperation Forum and third Project Coordination Committee meeting, held in Yogyakarta, Indonesia, from 6 to 8 October 2010, and the fifth Aids to Navigation Fund Committee meeting, held in Malaysia on 11 and 12 October 2010, the three events being key pillars of the Cooperative Mechanism, notes with appreciation the important role of the Information Sharing Centre of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, based in Singapore, and calls upon States to give immediate attention to adopting, concluding and implementing cooperation agreements at the regional level;

102. *Recognizes* that some transnational organized criminal activities threaten legitimate uses of the oceans and endanger the lives of people at sea;

103. *Notes* that transnational organized criminal activities are diverse and may be interrelated in some cases and that criminal organizations are adaptive and take advantage of the vulnerabilities of States, in particular coastal and small island developing States in transit areas, and calls upon States and relevant intergovernmental organizations to increase cooperation and coordination at all levels to detect and suppress the smuggling of migrants and trafficking in persons, in accordance with international law;

104. *Recognizes* the importance of enhancing international cooperation at all levels to fight transnational organized criminal activities, including illicit traffic in narcotic drugs and psychotropic substances, within the scope of the United Nations instruments against illicit drug trafficking, as well as the smuggling of migrants and trafficking in persons and criminal activities at sea falling within the scope of the United Nations Convention against Transnational Organized Crime;[40]

105. *Calls upon* States that have not yet done so to become parties to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[41] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[42] and to take appropriate measures to ensure their effective implementation;

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[40] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[41] Ibid., vol. 2241, No. 39574.

[42] Ibid., vol. 2237, No. 39574.

106. *Calls upon* States to ensure freedom of navigation, the safety of navigation and the rights of transit passage, archipelagic sea lanes passage and innocent passage in accordance with international law, in particular the Convention;

107. *Welcomes* the work of the International Maritime Organization relating to the protection of shipping lanes of strategic importance and significance, and in particular in enhancing safety, security and environmental protection in straits used for international navigation, and calls upon the International Maritime Organization, States bordering straits and user States to continue their cooperation to keep such straits safe, secure and environmentally protected and open to international navigation at all times, consistent with international law, in particular the Convention;

108. *Calls upon* user States and States bordering straits used for international navigation to continue to cooperate by agreement on matters relating to navigational safety, including safety aids for navigation, and the prevention, reduction and control of pollution from ships, and welcomes developments in this regard;

109. *Calls upon* States that have accepted the amendments to regulation XI-1/6 of the International Convention for the Safety of Life at Sea, 1974,[43] to implement the Code of International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident,[44] which took effect on 1 January 2010;

110. *Calls upon* States to consider becoming members of the International Hydrographic Organization, and urges all States to work with that organization to increase the coverage of hydrographic information on a global basis to enhance capacity-building and technical assistance and to promote safe navigation, especially in areas used for international navigation, in ports and where there are vulnerable or protected marine areas;

111. *Encourages* States to continue their efforts in the implementation of all areas of the Action Plan for the Safety of Transport of Radioactive Material, approved by the Board of Governors of the International Atomic Energy Agency in March 2004;[45]

112. *Notes* that cessation of the transport of radioactive materials through the regions of small island developing States is an ultimate desired goal of small island developing States and some other countries, and recognizes the right of freedom of navigation in accordance with international law; that States should maintain dialogue and consultation, in particular under the auspices of the International Atomic Energy Agency and the International Maritime Organization, with the aim of improved mutual understanding, confidence-building and enhanced communication in relation to the safe maritime transport of radioactive materials; that States involved in the transport of such materials are urged to continue to engage in dialogue with small island developing States and other States to address their concerns; and that these concerns include the further development and strengthening, within the appropriate forums, of international regulatory regimes to enhance safety, disclosure, liability, security and compensation in relation to such transport;

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[43] International Maritime Organization, document MSC 84/24/Add.1, annex 3, resolution MSC.257(84).

[44] See International Maritime Organization, document MSC 84/24/Add.1, annex 1, resolution MSC.255(84).

[45] Available from www.ns.iaea.org/downloads/rw/action-plans/transport-action-plan.pdf.

113. *Acknowledges*, in the context of paragraph 112 above, the potential environmental and economic impacts of maritime incidents and accidents on coastal States, in particular those related to the transport of radioactive materials, and emphasizes the importance of effective liability regimes in that regard;

114. *Encourages* States to draw up plans and to establish procedures to implement the Guidelines on Places of Refuge for Ships in Need of Assistance;[46]

115. *Invites* States that have not yet done so to consider becoming parties to the Nairobi International Convention on the Removal of Wrecks, 2007;[47]

116. *Requests* States to take appropriate measures with regard to ships flying their flag or of their registry to address hazards that may be caused by wrecks and drifting or sunken cargo to navigation or the marine environment;

117. *Calls upon* States to ensure that masters on ships flying their flag take the steps required by relevant instruments[48] to provide assistance to persons in distress at sea, and urges States to cooperate and to take all necessary measures to ensure the effective implementation of the amendments to the International Convention on Maritime Search and Rescue[49] and to the International Convention for the Safety of Life at Sea[50] relating to the delivery of persons rescued at sea to a place of safety, as well as of the associated Guidelines on the Treatment of Persons Rescued at Sea;[51]

118. *Recognizes* that all States must fulfil their search and rescue responsibilities and the ongoing need for the International Maritime Organization and other relevant organizations to assist, in particular, developing States both to increase their search and rescue capabilities, including through the establishment of additional rescue coordination centres and regional sub-centres, and to take effective action to address, to the extent feasible, the issue of unseaworthy ships and small craft within their national jurisdiction;

119. *Welcomes* the ongoing work of the International Maritime Organization in relation to disembarkation of persons rescued at sea, and notes in this regard the need to implement all relevant international instruments;

120. *Calls upon* States to continue to cooperate in developing comprehensive approaches to international migration and development, including through dialogue on all their aspects;

121. *Calls upon* States to take measures to protect fibre optic submarine cables and to fully address issues relating to these cables, in accordance with international law, as reflected in the Convention, encourages greater dialogue and cooperation among States and the relevant regional and global organizations to promote the security of such critical communications infrastructure and, in this regard,

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[46] International Maritime Organization, Assembly resolution A.949(23).

[47] International Maritime Organization, document LEG/CONF.16/19.

[48] The International Convention for the Safety of Life at Sea, 1974, the International Convention on Maritime Search and Rescue, 1979, as amended, the United Nations Convention on the Law of the Sea, 1982, and the International Convention on Salvage, 1989.

[49] International Maritime Organization, document MSC 78/26/Add.1, annex 5, resolution MSC.155(78).

[50] International Maritime Organization, document MSC 78/26/Add.1, annex 3, resolution MSC.153(78).

[51] International Maritime Organization, document MSC 78/26/Add.2, annex 34, resolution MSC.167(78).

notes the attention given to this matter in the Okinawa Declaration of the eighth Asia-Pacific Economic Cooperation ministerial meeting on the telecommunications and information industry, held in Okinawa, Japan, on 30 and 31 October 2010;

122. *Reaffirms* that flag, port and coastal States all bear responsibility for ensuring the effective implementation and enforcement of international instruments relating to maritime security and safety, in accordance with international law, in particular the Convention, and that flag States have primary responsibility that requires further strengthening, including through increased transparency of ownership of vessels;

123. *Urges* flag States without an effective maritime administration and appropriate legal frameworks to establish or enhance the necessary infrastructure, legislative and enforcement capabilities to ensure effective compliance with, and implementation and enforcement of, their responsibilities under international law, in particular the Convention, and, until such action is taken, to consider declining the granting of the right to fly their flag to new vessels, suspending their registry or not opening a registry, and calls upon flag and port States to take all measures consistent with international law necessary to prevent the operation of substandard vessels;

124. *Recognizes* that international shipping rules and standards adopted by the International Maritime Organization in respect of maritime safety, efficiency of navigation and the prevention and control of marine pollution, complemented by best practices of the shipping industry, have led to a significant reduction in maritime accidents and pollution incidents, encourages all States to participate in the Voluntary International Maritime Organization Member State Audit Scheme, and notes the decision of the International Maritime Organization on a phased-in introduction of the Organization's Audit Scheme as an institutionalized process;[52]

125. *Notes* the work of the International Maritime Organization to develop a mandatory code for ships operating in polar waters, and encourages States and competent international organizations and bodies to contribute to this work through participation in the relevant committees and processes of the International Maritime Organization;

126. *Recognizes* that maritime safety can also be improved through effective port State control, the strengthening of regional arrangements and increased coordination and cooperation among them, and increased information-sharing, including among safety and security sectors;

127. *Encourages* flag States to take appropriate measures sufficient to achieve or maintain recognition by intergovernmental arrangements that recognize satisfactory flag State performance, including, as appropriate, satisfactory port State control examination results on a sustained basis, with a view to improving quality shipping and furthering flag State implementation of relevant instruments under the International Maritime Organization as well as relevant goals and objectives of the present resolution;

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[52] International Maritime Organization, Assembly resolution A.1018(26).

IX
Marine environment and marine resources

128. *Emphasizes once again* the importance of the implementation of Part XII of the Convention in order to protect and preserve the marine environment and its living marine resources against pollution and physical degradation, and calls upon all States to cooperate and take measures consistent with the Convention, directly or through competent international organizations, for the protection and preservation of the marine environment;

129. *Notes* the work of the Intergovernmental Panel on Climate Change, including its findings on the acidification of oceans, and in this regard encourages States and competent international organizations and other relevant institutions, individually and in cooperation, to urgently pursue further research on ocean acidification, especially programmes of observation and measurement, noting in particular paragraph 4 of decision IX/20 adopted at the ninth meeting of the Conference of the Parties to the Convention on Biological Diversity, held in Bonn, Germany, from 19 to 30 May 2008,[53] and the continued work of the Convention on Biological Diversity, and to increase national, regional and international efforts to address levels of ocean acidity and the negative impact of such acidity on vulnerable marine ecosystems, particularly coral reefs;

130. *Encourages* States, individually or in collaboration with relevant international organizations and bodies, to enhance their scientific activity to better understand the effects of climate change on the marine environment and marine biodiversity and develop ways and means of adaptation;

131. *Also encourages* States that have not yet done so to become parties to international agreements addressing the protection and preservation of the marine environment and its living marine resources against the introduction of harmful aquatic organisms and pathogens and marine pollution from all sources, including the dumping of wastes and other matter, and other forms of physical degradation, as well as agreements that provide for preparedness for, response to and cooperation on pollution incidents and that include provisions on liability and compensation for damage resulting from marine pollution, and to adopt the necessary measures consistent with international law, including the Convention, aimed at implementing and enforcing the rules contained in those agreements;

132. *Further encourages* States, directly or through competent international organizations, to consider the further development, as appropriate and consistent with international law, including the Convention, of environmental impact assessment processes covering planned activities under their jurisdiction or control that may cause substantial pollution of, or significant and harmful changes to, the marine environment;

133. *Encourages* States that have not done so to become parties to regional seas conventions addressing the protection and preservation of the marine environment;

134. *Also encourages* States, in accordance with international law, including the Convention and other relevant instruments, either bilaterally or regionally, to jointly develop and promote contingency plans for responding to pollution

[53] See UNEP/CBD/COP/9/29, annex I.

incidents, as well as other incidents that are likely to have significant adverse effects on the marine environment and biodiversity;

135. *Recognizes* the importance of improving understanding of the impact of climate change on oceans and seas;

136. *Welcomes* the activities of the United Nations Environment Programme relating to marine debris carried out in cooperation with relevant United Nations bodies and organizations, and encourages States to further develop partnerships with industry and civil society to raise awareness of the extent of the impact of marine debris on the health and productivity of the marine environment and consequent economic loss;

137. *Urges* States to integrate the issue of marine debris into national strategies dealing with waste management in the coastal zone, ports and maritime industries, including recycling, reuse, reduction and disposal, and to encourage the development of appropriate economic incentives to address this issue, including the development of cost recovery systems that provide an incentive to use port reception facilities and discourage ships from discharging marine debris at sea, and support for measures to prevent, reduce and control pollution from any source, including land-based sources, such as community-based coastal and waterway clean-up and monitoring activities, and encourages States to cooperate regionally and subregionally to identify potential sources and coastal and oceanic locations where marine debris aggregates, and to develop and implement joint prevention and recovery programmes for marine debris;

138. *Notes* the work of the International Maritime Organization to prevent pollution by garbage from ships, including the current review by the Marine Environment Protection Committee of the provisions of annex V to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, on the prevention of pollution by garbage from ships, and encourages States and relevant international organizations to contribute to this work through participation in the relevant processes of the Committee;

139. *Takes note* of the adoption of amendments regarding special requirements for the use or carriage of oils in the Antarctic area to annex I to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, on the prevention of pollution by oil from ships, which prohibit the carriage in bulk as cargo or carriage and use as fuel of heavy grade oils in the Antarctic area;[54]

140. *Encourages* States that have not done so to become parties to the Protocol of 1997 (Annex VI — Regulations for the Prevention of Air Pollution from Ships) to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 ("the London Protocol"), and furthermore to ratify or accede to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004,[55] thereby facilitating its early entry into force;

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[54] International Maritime Organization, document MEPC 60/22/Add.1 annex 10, resolution MEPC 189(60).

[55] International Maritime Organization, document BWM/CONF/36, annex.

141. *Welcomes* the entry into force on 1 July 2010 of the amendments to the Protocol of 1997 to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, to reduce harmful emissions from ships;

142. *Notes* the ongoing work of the International Maritime Organization in accordance with its resolution on International Maritime Organization policies and practices related to the reduction of greenhouse gas emissions from ships;[56]

143. *Urges* States to cooperate in correcting the shortfall in port waste reception facilities in accordance with the action plan to address the inadequacy of port waste reception facilities developed by the International Maritime Organization;[57]

144. *Recognizes* that most of the pollution load of the oceans emanates from land-based activities and affects the most productive areas of the marine environment, and calls upon States as a matter of priority to implement the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities[58] and to take all appropriate measures to fulfil the commitments of the international community embodied in the Beijing Declaration on Furthering the Implementation of the Global Programme of Action;[59]

145. *Expresses its concern* regarding the spreading of hypoxic dead zones in oceans as a result of eutrophication fuelled by riverine run-off of fertilizers, sewage outfall and reactive nitrogen resulting from the burning of fossil fuels and resulting in serious consequences for ecosystem functioning, and calls upon States to enhance their efforts to reduce eutrophication and, to this effect, to continue to cooperate within the framework of relevant international organizations, in particular the Global Programme of Action;

146. *Calls upon* all States to ensure that urban and coastal development projects and related land-reclamation activities are carried out in a responsible manner that protects the marine habitat and environment and mitigates the negative consequences of such activities;

147. *Notes* the first session of the Intergovernmental Negotiating Committee to prepare a global legally binding instrument on mercury, held in Stockholm from 7 to 11 June 2010, pursuant to the agreement of the twenty-fifth session of the United Nations Environment Programme Governing Council/Global Ministerial Environment Forum;[60]

148. *Welcomes* the continued work of States, the United Nations Environment Programme and regional organizations in the implementation of the Global Programme of Action, and encourages increased emphasis on the link between freshwater, the coastal zone and marine resources in the implementation of international development goals, including those contained in the United Nations Millennium Declaration,[8] and of the time-bound targets in the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg

[56] International Maritime Organization, Assembly resolution A.963(23).
[57] International Maritime Organization, document MEPC 53/9/1, annex 1.
[58] See A/51/116, annex II.
[59] UNEP/GPA/IGR.2/7, annex V.
[60] See UNEP/GC.25/17, annex I, decision 25/5.

Plan of Implementation"),[14] in particular the target on sanitation, and the Monterrey Consensus of the International Conference on Financing for Development;[61]

149. *Recalls* the resolution of the thirtieth Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 ("the London Convention") and the third Meeting of Contracting Parties to the London Protocol, held from 27 to 31 October 2008, on the regulation of ocean fertilization,[62] in which the Contracting Parties agreed, inter alia, that the scope of the London Convention and Protocol includes ocean fertilization activities and that, given the present state of knowledge, ocean fertilization activities other than for legitimate scientific research should not be allowed, and that scientific research proposals should be assessed on a case-by-case basis using an assessment framework to be developed by the scientific groups under the London Convention and Protocol, and also agreed that, to this end, such other activities should be considered as contrary to the aims of the London Convention and Protocol and should not currently qualify for any exemption from the definition of dumping in article III, paragraph 1 (b), of the London Convention and article 1, paragraph 4.2, of the London Protocol;

150. *Notes* the resolution of the thirty-second Consultative Meeting of Contracting Parties to the London Convention and the fifth Meeting of Contracting Parties to the London Protocol, held from 11 to 15 October 2010, on the Assessment Framework for Scientific Research Involving Ocean Fertilization;[63]

151. *Recalls* decision IX/16 C adopted at the ninth meeting of the Conference of the Parties to the Convention on Biological Diversity,[64] in which the Conference of the Parties, inter alia, bearing in mind the ongoing scientific and legal analysis occurring under the auspices of the London Convention and Protocol requested parties and urged other Governments, in accordance with the precautionary approach, to ensure that ocean fertilization activities were not carried out until there was an adequate scientific basis on which to justify such activities, including an assessment of associated risks, and that a global, transparent and effective control and regulatory mechanism was in place for those activities, with the exception of small-scale scientific research studies within coastal waters, and stated that such studies should be authorized only if justified by the need to gather specific scientific data, should be subject to a thorough prior assessment of the potential impacts of the research studies on the marine environment, should be strictly controlled and should not be used for generating and selling carbon offsets or for any other commercial purposes, and notes decision X/29[65] adopted at the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity, in which the Conference of the Parties requested parties to implement decision IX/16 C;

152. *Takes note* of the amendment to the London Protocol adopted by the fourth Meeting of Contracting Parties to the London Protocol, held in October 2009,

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[61] *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

[62] International Maritime Organization, document LC 30/16, annex 6, resolution LC-LP.1 (2008).

[63] Resolution LC-LP.2 (2010) of 14 October 2010.

[64] See UNEP/CBD/COP/9/29, annex I.

[65] Decision on marine and coastal biological diversity adopted on 29 October 2010.

to allow the export of carbon dioxide streams for disposal into sub-seabed geological formations;[66]

153. *Reaffirms* paragraph 119 of resolution 61/222 of 20 December 2006 regarding ecosystem approaches and oceans, including the proposed elements of an ecosystem approach, means to achieve implementation of an ecosystem approach and requirements for improved application of an ecosystem approach, and in this regard:

(a) Notes that continued environmental degradation in many parts of the world and increasing competing demands require an urgent response and the setting of priorities for management actions aimed at conserving ecosystem integrity;

(b) Notes that ecosystem approaches to ocean management should be focused on managing human activities in order to maintain and, where needed, restore ecosystem health to sustain goods and environmental services, provide social and economic benefits for food security, sustain livelihoods in support of international development goals, including those contained in the Millennium Declaration, and conserve marine biodiversity;

(c) Recalls that States should be guided in the application of ecosystem approaches by a number of existing instruments, in particular the Convention, which sets out the legal framework for all activities in the oceans and seas, and its implementing Agreements, as well as other commitments, such as those contained in the Convention on Biological Diversity[67] and the World Summit on Sustainable Development call for the application of an ecosystem approach by 2010;

(d) Encourages States to cooperate and coordinate their efforts and take, individually or jointly, as appropriate, all measures, in conformity with international law, including the Convention and other applicable instruments, to address impacts on marine ecosystems within and beyond areas of national jurisdiction, taking into account the integrity of the ecosystems concerned;

154. *Encourages* competent organizations and bodies that have not yet done so to incorporate an ecosystem approach into their mandates, as appropriate, in order to address impacts on marine ecosystems;

155. *Invites* States, in particular those States with advanced technology and marine capabilities, to explore prospects for improving cooperation with, and assistance to, developing States, in particular least developed countries and small island developing States, as well as coastal African States, with a view to better integrating into national policies and programmes sustainable and effective development in the marine sector;

156. *Encourages* the competent international organizations, the United Nations Development Programme, the World Bank and other funding agencies to consider expanding their programmes within their respective fields of competence for assistance to developing countries and to coordinate their efforts, including in the allocation and application of Global Environment Facility funding;

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[66] Resolution LP.3(4) on the Amendment to Article 6 of the London Protocol, adopted on 30 October 2009.

[67] United Nations, *Treaty Series*, vol. 1760, No. 30619.

157. *Notes* the information compiled by the Secretariat[68] in relation to the assistance available to and measures that may be taken by developing States, in particular the least developed countries and small island developing States, as well as coastal African States, to realize the benefits of sustainable and effective development of marine resources and uses of the oceans, as provided by States and competent international organizations and global and regional funding agencies, and urges them to provide further information for the annual report of the Secretary-General and for incorporation on the website of the Division;[69]

158. *Encourages* States to consider ratifying or acceding to the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, to facilitate its early entry into force;[70]

159. *Takes note* of the role of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal[29] in protecting the marine environment against the adverse effects which may result from such wastes;

160. *Notes with concern* the potential for serious environmental consequences resulting from oil spill incidents;

X
Marine biodiversity

161. *Reaffirms* its central role relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, notes the work of States and relevant intergovernmental organizations and bodies on those issues, and invites them to contribute to its consideration of these issues within the areas of their respective competence;

162. *Welcomes* the meeting of the Ad Hoc Open-ended Informal Working Group convened in New York from 1 to 5 February 2010 in accordance with paragraph 146 of resolution 64/71, and endorses its recommendations;[71]

163. *Requests* the Secretary-General to convene, in accordance with paragraph 73 of resolution 59/24 and paragraphs 79 and 80 of resolution 60/30, with full conference services, a meeting of the Ad Hoc Open-ended Informal Working Group, to take place from 31 May to 3 June 2011, to provide recommendations to the General Assembly, and requests the Secretary-General to make every effort to meet the requirement for full conference services within existing resources;

164. *Encourages* the Ad Hoc Open-ended Informal Working Group to improve progress on all outstanding issues on its agenda;

165. *Notes* the discussion on the relevant legal regime on marine genetic resources in areas beyond national jurisdiction in accordance with the Convention, and calls upon States to further consider this issue in the context of the mandate of the Ad Hoc Open-ended Informal Working Group, taking into account the views of States on Parts VII and XI of the Convention, with a view to making further progress on this issue;

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[68] A/63/342.

[69] See www.un.org/Depts/los/general_assembly/study/study2008.htm.

[70] See International Maritime Organization, documents SR/CONF/45 and SR/CONF/46, attachment.

[71] See A/65/68, sect. I.

166. *Invites* States to further consider, at the upcoming meeting of the Ad Hoc Open-ended Informal Working Group, in the context of its mandate, issues of marine protected areas and environmental impact assessment processes;

167. *Requests* the Secretary-General to include, in the annual report on oceans and the law of the sea, information on environmental impact assessments undertaken with respect to planned activities in areas beyond national jurisdiction, including capacity-building needs, on the basis of information requested from States and competent international organizations;

168. *Recognizes* the abundance and diversity of marine genetic resources and their value in terms of the benefits, goods and services they can provide;

169. *Also recognizes* the importance of research on marine genetic resources for the purpose of enhancing the scientific understanding, potential use and application, and enhanced management of marine ecosystems;

170. *Encourages* States and international organizations, including through bilateral, regional and global cooperation programmes and partnerships, to continue in a sustainable and comprehensive way to support, promote and strengthen capacity-building activities, in particular in developing countries, in the field of marine scientific research, taking into account, in particular, the need to create greater taxonomic capabilities;

171. *Welcomes* the high-level meeting of the General Assembly as a contribution to the International Year of Biodiversity, held on 22 September 2010;

172. *Notes* the work under the Jakarta Mandate on Marine and Coastal Biological Diversity[72] and the Convention on Biological Diversity elaborated programme of work on marine and coastal biological diversity,[73] and, while reiterating the central role of the General Assembly relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, notes the work done by the Conference of the Parties to the Convention on Biological Diversity at its tenth meeting, held in Nagoya, Japan, from 18 to 20 October 2010;

173. *Reaffirms* the need for States, individually or through competent international organizations, to urgently consider ways to integrate and improve, based on the best available scientific information and the precautionary approach and in accordance with the Convention and related agreements and instruments, the management of risks to the marine biodiversity of seamounts, cold water corals, hydrothermal vents and certain other underwater features;

174. *Calls upon* States and international organizations to urgently take further action to address, in accordance with international law, destructive practices that have adverse impacts on marine biodiversity and ecosystems, including seamounts, hydrothermal vents and cold water corals;

175. *Notes* the work of the expert workshop of the Convention on Biological Diversity on scientific and technical aspects relevant to environmental impact assessment in marine areas beyond national jurisdiction, held in Manila from 18 to 20 November 2009;

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[72] See A/51/312, annex II, decision II/10.

[73] UNEP/CBD/COP/7/21, annex, decision VII/5, annex I.

176. *Calls upon* States to strengthen, in a manner consistent with international law, in particular the Convention, the conservation and management of marine biodiversity and ecosystems and national policies in relation to marine protected areas;

177. *Reaffirms* the need for States to continue and intensify their efforts, directly and through competent international organizations, to develop and facilitate the use of diverse approaches and tools for conserving and managing vulnerable marine ecosystems, including the possible establishment of marine protected areas, consistent with international law, as reflected in the Convention, and based on the best scientific information available, and the development of representative networks of any such marine protected areas by 2012;

178. *Notes* the work of States, relevant intergovernmental organizations and bodies, including the Convention on Biological Diversity, in the assessment of scientific information on, and compilation of ecological criteria for the identification of, marine areas that require protection, in light of the objective of the World Summit on Sustainable Development to develop and facilitate the use of diverse approaches and tools, such as ecosystem approaches and the establishment of marine protected areas consistent with international law, as reflected in the Convention, and based on scientific information, including representative networks, by 2012;[13]

179. *Encourages* States to further progress towards the 2012 target for the establishment of marine protected areas, including representative networks, and calls upon States to further consider options to identify and protect ecologically or biologically significant areas, consistent with international law and on the basis of the best available scientific information;

180. *Recalls* that the Conference of the Parties to the Convention on Biological Diversity, at its ninth meeting, adopted "Scientific criteria for identifying ecologically or biologically significant marine areas in need of protection in open-ocean waters and deep-sea habitats" and "Scientific guidance for selecting areas to establish a representative network of marine protected areas, including in open-ocean waters and deep-sea habitats",[74] and further recalls that the Food and Agriculture Organization of the United Nations has developed guidance for the identification of vulnerable marine ecosystems through the International Guidelines for the Management of Deep-sea Fisheries in the High Seas;

181. *Acknowledges* the Micronesia Challenge, the Eastern Tropical Pacific Seascape project, the Caribbean Challenge and the Coral Triangle Initiative, which in particular seek to create and link domestic marine protected areas to better facilitate ecosystem approaches, and reaffirms the need for further international cooperation, coordination and collaboration in support of such initiatives;

182. *Reiterates its support* for the International Coral Reef Initiative, takes note of the International Coral Reef Initiative General Meeting, held in Monaco from 12 to 15 January 2010, and supports the work under the Jakarta Mandate on Marine and Coastal Biological Diversity and the elaborated programme of work on marine and coastal biological diversity related to coral reefs;

183. *Encourages* States and relevant international institutions to improve efforts to address coral bleaching by, inter alia, improving monitoring to predict and

[74] See UNEP/CBD/COP/9/29, annex I, decision IX/20.

identify bleaching events, supporting and strengthening action taken during such events and improving strategies to manage reefs to support their natural resilience and enhance their ability to withstand other pressures, including ocean acidification;

184. *Also encourages* States to cooperate, directly or through competent international bodies, in exchanging information in the event of accidents involving vessels on coral reefs and in promoting the development of economic assessment techniques for both restoration and non-use values of coral reef systems;

185. *Emphasizes* the need to mainstream sustainable coral reef management and integrated watershed management into national development strategies, as well as into the activities of relevant United Nations agencies and programmes, international financial institutions and the donor community;

186. *Notes* that ocean noise is a potential threat to living marine resources, affirms the importance of sound scientific studies in addressing this matter, encourages further research, studies and consideration of the impacts of ocean noise on marine living resources, and requests the Division to continue to compile the peer-reviewed scientific studies it receives from Member States and intergovernmental organizations pursuant to paragraph 107 of resolution 61/222 and, as appropriate, to make them, or references and links to them, available on its website;

XI
Marine science

187. *Calls upon* States, individually or in collaboration with each other or with relevant international organizations and bodies, to continue to strive to improve understanding and knowledge of the oceans and the deep sea, including, in particular, the extent and vulnerability of deep sea biodiversity and ecosystems, by increasing their marine scientific research activities in accordance with the Convention;

188. *Invites* all relevant organizations, funds, programmes and bodies within the United Nations system, in consultation with interested States, to coordinate relevant activities with regional and national marine scientific and technological centres in small island developing States, as appropriate, to ensure the more effective achievement of their objectives in accordance with relevant United Nations small island developing States development programmes and strategies;

189. *Takes note with appreciation* of the work of the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization, with the advice of the Advisory Body of Experts on the Law of the Sea, on the development of procedures for the implementation of Parts XIII and XIV of the Convention, and also takes note of the review of the Advisory Body of Experts on the Law of the Sea of the Intergovernmental Oceanographic Commission to be conducted by an open-ended working group with representatives from member States;

190. *Encourages* the Advisory Body of Experts to continue its work, in cooperation with the Division, on the practice of Member States related to marine scientific research and transfer of marine technology within the framework of the Convention, taking into account the outcome of the review;

191. *Notes with appreciation* the work carried out by the Group of Experts to assist the Division in the revision of the publication entitled *Marine Scientific Research: A guide to the implementation of the relevant provisions of the United Nations Convention on the Law of the Sea*,[75] and requests the Secretariat to expedite the publication of the revised version;

192. *Notes* the contribution of the Census of Marine Life to marine biodiversity research over the past ten years, and notes with appreciation the publication of the report entitled "First Census of Marine Life 2010: Highlights of a Decade of Discovery";

193. *Stresses* the importance of increasing the scientific understanding of the oceans-atmosphere interface, including through participation in ocean observing programmes and geographic information systems, such as the Global Ocean Observing System, sponsored by the Intergovernmental Oceanographic Commission, the United Nations Environment Programme, the World Meteorological Organization and the International Council for Science, particularly considering their role in monitoring and forecasting climate change and variability and in the establishment and operation of tsunami warning systems;

194. *Takes note with appreciation* of the progress made by the Intergovernmental Oceanographic Commission and Member States towards the establishment of regional and national tsunami warning and mitigation systems, welcomes the continued collaboration of the United Nations and other intergovernmental organizations in this effort, and encourages Member States to establish and sustain their national warning and mitigation systems, within a global, ocean-related multi-hazard approach, as necessary, to reduce loss of life and damage to national economies and strengthen the resilience of coastal communities to natural disasters;

195. *Stresses* the need for continued efforts in developing mitigation and preparedness measures for natural disasters, particularly following recent tsunami events caused by earthquakes in Chile, Haiti, Samoa and Tonga;

196. *Expresses its concern* at the intentional or unintentional damage to platforms used for ocean observation and marine scientific research, such as moored buoys and tsunameters, and urges States to take necessary action and to cooperate in relevant organizations, including the Food and Agriculture Organization of the United Nations, the Intergovernmental Oceanographic Commission and the World Meteorological Organization, to address such damage;

XII
Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socio-economic Aspects

197. *Reiterates* the need to strengthen the regular scientific assessment of the state of the marine environment in order to enhance the scientific basis for policymaking;

198. *Takes note with appreciation* of the responses and suggestions made by the Group of Experts established pursuant to paragraph 180 of resolution 64/71 to

[75] United Nations publication, Sales No. E.91.V.3

respond and make suggestions on the issues listed in paragraph 60 of the report on the results of the "assessment of assessments";[76]

199. *Welcomes* the meeting of the Ad Hoc Working Group of the Whole to recommend a course of action to the General Assembly at its sixty-fifth session, convened in New York from 30 August to 3 September 2010 in accordance with paragraph 178 of resolution 64/71;

200. *Endorses* the recommendations adopted by the Ad Hoc Working Group of the Whole that propose modalities for the implementation of the Regular Process, including the key features, institutional arrangements, capacity-building and financing;[77]

201. *Reaffirms* the principles guiding the Regular Process and the objective and scope of its first cycle (2010-2014) as agreed upon at the first meeting of the Ad Hoc Working Group of the Whole in 2009;[78]

202. *Decides* that the Regular Process, as established under the United Nations, is accountable to the General Assembly and shall be an intergovernmental process guided by international law, including the United Nations Convention on the Law of the Sea and other applicable international instruments, and take into account relevant General Assembly resolutions;

203. *Decides also* that the Regular Process will be overseen and guided by an Ad Hoc Working Group of the Whole of the General Assembly composed of Member States, and requests the Secretary-General to convene the first meeting of the Ad Hoc Working Group of the Whole from 14 to 18 February 2011;

204. *Decides further* that the meetings of the Ad Hoc Working Group of the Whole shall be open to Member States and Observers of the United Nations, that, in accordance with past practice of the United Nations, relevant intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council will be invited to participate in the meetings of the Ad Hoc Working Group of the Whole, and that relevant scientific institutions and major groups identified in Agenda 21[7] may request an invitation to participate in the meetings of the Ad Hoc Working Group of the Whole;

205. *Emphasizes* that the first cycle of the Regular Process has begun and that the deadline for the first integrated assessment is 2014;

206. *Notes* that the first phase of the first cycle of the Regular Process (2010-2012) will provide for the preparation of key questions to be answered by the first integrated assessment, at all regional levels, to ensure an effective science-policy relationship and the participation of all relevant stakeholders, in particular local experts, in defining specific objectives and scope of the assessments;

207. *Decides* that the meetings of the Ad Hoc Working Group of the Whole shall be coordinated by two co-chairs representing developing and developed countries, who will be appointed by the President of the General Assembly in consultation with regional groups;

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[76] See A/64/88, annex.

[77] See A/65/358, annex.

[78] See A/64/347, annex.

208. *Recommends* that the Ad Hoc Working Group of the Whole establish, with agreement on terms of reference and other relevant elements, a management and review mechanism composed of States from among its members, on the basis of equitable geographic representation;

209. *Decides* to establish a group of experts to be an integral part of the Regular Process, requests the members of the Group of Experts, who have been appointed by Member States pursuant to paragraph 180 of General Assembly resolution 64/71, to continue serving on the Group of Experts for the duration of the first phase of the first assessment cycle, and encourages regional groups that have not yet done so to appoint experts to the Group of Experts in accordance with paragraph 180 of resolution 64/71;

210. *Requests* the Secretary-General to designate the Division to provide secretariat support to the Regular Process, including its established institutions;

211. *Also requests* the Secretary-General to invite the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization, the United Nations Environment Programme, the International Maritime Organization and the Food and Agriculture Organization of the United Nations, and other competent United Nations specialized agencies, as appropriate, to provide technical and scientific support to the Regular Process;

212. *Requests* the Group of Experts on the Regular Process to work, with the assistance of the secretariat of the Regular Process, to develop a set of options necessary to achieve the deadline of 2014 recommended in the report on the work of the Ad Hoc Working Group of the Whole to recommend a course of action to the General Assembly on the Regular Process,[79] for the completion of the first cycle of the Regular Process, to be presented by the Group of Experts for consideration and adoption, as appropriate, by the Ad Hoc Working Group of the Whole at its meeting in 2011;

213. *Requests* the secretariat of the Regular Process to convene a meeting of the Group of Experts, as appropriate and subject to the availability of the resources, prior to the first meeting of the Ad Hoc Working Group of the Whole;

214. *Notes with appreciation* the support provided by the Division to the Regular Process, and notes also with appreciation the technical and logistical support of the United Nations Environment Programme and the Intergovernmental Oceanographic Commission;

215. *Requests* the Secretary-General to promptly take appropriate measures, by mobilizing all available extrabudgetary and existing resources, including through the redeployment of staff, to further strengthen the capacity of the Division, in particular its human resources, serving as the secretariat of the Regular Process, including in the context of the programme budget for the current biennium and the proposed programme budget for the biennium 2012-2013;

216. *Welcomes* the establishment by the Secretary-General of the voluntary trust fund established for the purpose of supporting the operations of the first five-year cycle of the Regular Process, including for the provision of assistance to the experts referred to in paragraph 209 above from developing countries, in particular

[79] See A/64/347, annex.

least developed countries, small island developing States and landlocked developing States, attending the meeting of the Ad Hoc Working Group of the Whole in 2011, and the scholarship fund to support training programmes for developing countries, notes with appreciation the contributions made to the funds, and urges Member States, international financial institutions, donor agencies, intergovernmental organizations, non-governmental organizations and natural and juridical persons to make financial contributions to the voluntary trust funds established pursuant to paragraph 183 of General Assembly resolution 64/71 and to make other contributions to the Regular Process;

217. *Decides* that the scholarship fund is intended for individuals from developing countries, between 25 and 40 years of age, working in assessment and monitoring of the state of the marine environment or related disciplines, either in government or educational institutions and bodies, with at least five years of work-related experience, and decides further that the duration of a fellowship will be a minimum of six months in a university or educational institution followed by a practice period of at least three months in a relevant United Nations specialized agency, fund or programme or other relevant intergovernmental organization;

XIII
Regional cooperation

218. *Notes* that there have been a number of initiatives at the regional level, in various regions, to further the implementation of the Convention, takes note in that context of the Caribbean-focused Assistance Fund, which is intended to facilitate, mainly through technical assistance, the voluntary undertaking of maritime delimitation negotiations between Caribbean States, takes note once again of the Fund for Peace: Peaceful Settlement of Territorial Disputes, established by the General Assembly of the Organization of American States in 2000 as a primary mechanism, given its broader regional scope, for the prevention and resolution of pending territorial, land border and maritime boundary disputes, and calls upon States and others in a position to do so to contribute to these funds;

219. *Notes with appreciation* efforts at the regional level to further the implementation of the Convention and respond, including through capacity-building, to issues related to maritime safety and security, the conservation and sustainable use of living marine resources, the protection and preservation of the marine environment and the conservation and sustainable use of marine biodiversity;

220. *Welcomes* the publication of the results of the International Polar Year 2007-2008, with particular emphasis on new knowledge about the linkages between environmental change in the polar regions and global climate systems, encourages States and scientific communities to strengthen their cooperation in this respect, and notes the International Polar Year "From Knowledge to Action" Conference to be held in Montreal, Canada, from 22 to 27 April 2012;

221. *Welcomes* regional cooperation, and in this regard, notes the Pacific Oceanscape Framework as an initiative to enhance cooperation among coastal States in the Pacific island region to foster marine conservation and sustainable development;

XIV
Open-ended Informal Consultative Process on Oceans and the Law of the Sea

222. *Welcomes* the report on the work of the Consultative Process at its eleventh meeting, which focused on capacity-building in ocean affairs and the law of the sea, including marine science;[3]

223. *Recognizes* the role of the Consultative Process as a unique forum for comprehensive discussions on issues related to oceans and the law of the sea, consistent with the framework provided by the Convention and chapter 17 of Agenda 21,[6] and that the perspective of the three pillars of sustainable development should be further enhanced in the examination of the selected topics;

224. *Welcomes* the work of the Consultative Process and its contribution to improving coordination and cooperation between States and strengthening the annual debate of the General Assembly on oceans and the law of the sea by effectively drawing attention to key issues and current trends;

225. *Also welcomes* efforts to improve and focus the work of the Consultative Process, and in that respect recognizes the primary role of the Consultative Process in integrating knowledge, the exchange of opinions among multiple stakeholders and coordination among competent agencies, and enhancing awareness of topics, including emerging issues, while promoting the three pillars of sustainable development, and recommends that the Consultative Process devise a transparent, objective and inclusive process for the selection of topics and panellists so as to facilitate the work of the General Assembly during informal consultations concerning the annual resolution on oceans and the law of the sea;

226. *Recalls* the need to strengthen and improve the efficiency of the Consultative Process, and encourages States, intergovernmental organizations and programmes to provide guidance to the co-chairs to this effect, particularly before and during the preparatory meeting for the Consultative Process;

227. *Decides* to continue the Consultative Process for the next two years, in accordance with resolution 54/33 of 24 November 1999, with a further review of its effectiveness and utility by the General Assembly at its sixty-seventh session;

228. *Requests* the Secretary-General to convene, in accordance with paragraphs 2 and 3 of resolution 54/33, the twelfth meeting of the Consultative Process, in New York from 20 to 24 June 2011, to provide it with the necessary facilities for the performance of its work and to arrange for support to be provided by the Division, in cooperation with other relevant parts of the Secretariat, as appropriate;

229. *Expresses its serious concern* regarding the lack of resources available in the voluntary trust fund established by resolution 55/7 for the purpose of assisting developing countries, in particular least developed countries, small island developing States and landlocked developing States, in attending the meetings of the Consultative Process, and urges States to make additional contributions to the trust fund;

230. *Decides* that those representatives from developing countries who are invited by the co-chairs, in consultation with Governments, to make presentations during the meetings of the Consultative Process shall receive priority consideration in the disbursement of funds from the voluntary trust fund established by resolution 55/7 in order to cover the costs of their travel, and shall also be eligible to receive

daily subsistence allowance subject to the availability of funds after the travel costs of all other eligible representatives from those countries mentioned in paragraph 229 above have been covered;

231. *Also decides* that, in its deliberations on the report of the Secretary-General on oceans and the law of the sea, the Consultative Process at its twelfth meeting will focus its discussions on "Contributing to the assessment, in the context of the United Nations Conference on Sustainable Development, of progress to date and the remaining gaps in the implementation of the outcomes of the major summits on sustainable development and addressing new and emerging challenges", and at its thirteenth meeting on "Marine renewable energies";

XV
Coordination and cooperation

232. *Encourages* States to work closely with and through international organizations, funds and programmes, as well as the specialized agencies of the United Nations system and relevant international conventions, to identify emerging areas of focus for improved coordination and cooperation and how best to address these issues;

233. *Encourages* bodies established by the Convention to strengthen coordination and cooperation, as appropriate, in fulfilling their respective mandates;

234. *Requests* the Secretary-General to bring the present resolution to the attention of heads of intergovernmental organizations, the specialized agencies, funds and programmes of the United Nations engaged in activities relating to ocean affairs and the law of the sea, as well as funding institutions, and underlines the importance of their constructive and timely input for the report of the Secretary-General on oceans and the law of the sea and of their participation in relevant meetings and processes;

235. *Welcomes* the work done by the secretariats of relevant United Nations specialized agencies, programmes, funds and bodies and the secretariats of related organizations and conventions to enhance inter-agency coordination and cooperation on ocean issues, including through UN-Oceans, the inter-agency coordination mechanism on ocean and coastal issues within the United Nations system;

236. *Encourages* continued updates to Member States by UN-Oceans regarding its priorities and initiatives, in particular with respect to the proposed participation in UN-Oceans;

XVI
Activities of the Division for Ocean Affairs and the Law of the Sea

237. *Expresses its appreciation* to the Secretary-General for the annual comprehensive report on oceans and the law of the sea, prepared by the Division, as well as for the other activities of the Division, which reflect the high standard of assistance provided to Member States by the Division;

238. *Notes with satisfaction* the second observance by the United Nations of World Oceans Day on 8 June 2010, recognizes with appreciation the efforts deployed by the Division in organizing its celebration, and invites the Division to continue to promote and facilitate international cooperation on the law of the sea

and ocean affairs in the context of the future observance of World Oceans Day, as well as through its participation in other events such as the World Expo to be held in Yeosu, Republic of Korea, in 2012;

239. *Requests* the Secretary-General to continue to carry out the responsibilities and functions entrusted to him in the Convention and by the related resolutions of the General Assembly, including resolutions 49/28 and 52/26, and to ensure the allocation of appropriate resources to the Division for the performance of its activities under the approved budget for the Organization;

XVII
Sixty-sixth session of the General Assembly

240. *Requests* the Secretary-General to prepare a comprehensive report, in its current extensive format and in accordance with established practice, for consideration by the General Assembly at its sixty-sixth session, on developments and issues relating to ocean affairs and the law of the sea, including the implementation of the present resolution, in accordance with resolutions 49/28, 52/26 and 54/33, and to make the section of the report related to the topic that is the focus of the twelfth meeting of the Consultative Process available at least six weeks in advance of the meeting of the Consultative Process;

241. *Emphasizes* the critical role of the annual comprehensive report of the Secretary-General, which integrates information on developments relating to the implementation of the Convention and the work of the Organization, its specialized agencies and other institutions in the field of ocean affairs and the law of the sea at the global and regional levels, and as a result constitutes the basis for the annual consideration and review of developments relating to ocean affairs and the law of the sea by the General Assembly as the global institution having the competence to undertake such a review;

242. *Notes* that the report referred to in paragraph 240 above will also be submitted to States Parties pursuant to article 319 of the Convention regarding issues of a general nature that have arisen with respect to the Convention;

243. *Also notes* the desire to further improve the efficiency of, and effective participation of delegations in, the informal consultations concerning the annual General Assembly resolution on oceans and the law of the sea and the resolution on sustainable fisheries, decides that the period of the informal consultations on both resolutions should not exceed a maximum of four weeks in total and that the consultations should be scheduled in such a way that the Division has sufficient time to produce the report referred to in paragraph 240 above, and invites States to submit text proposals for inclusion in the resolutions to the coordinators of the informal consultations at the earliest possible date;

244. *Decides* to include in the provisional agenda of its sixty-sixth session the item entitled "Oceans and the law of the sea".